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9
10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11
12 TAYLOR SMART and MICHAEL
HACKER, individually and on
behalf of all those similarly
situated,

13 Plaintiffs,

14 v.
15

16 NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION
17

18 Defendant.

19 SHANNON RAY, KHALA TAYLOR,
PETER ROBINSON, KATHERINE
SEBBANE, and RUDY BARAJAS,
individually and on behalf of
21 all those similarly situated,

22 Plaintiffs,

23 v.
24

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, an unincorporated
25 association,

26 Defendants.

Case No. 2:22-cv-02125-WBS-CSK

**DEFENDANT NCAA'S NOTICE OF
REQUEST TO SEAL DOCUMENTS AND
NOTICE OF LODGING OF DOCUMENTS**

Judge: Hon. William B. Shubb
Courtroom: 5
Date: March 3, 2025
Time: 1:30 p.m.

Case No. 1:23-cv-00425-WBS-CSK

1 **I. NOTICE OF REQUEST TO SEAL DOCUMENTS**

2 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD AND TO THE UNITED
3 STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA:

4 Pursuant to Local Rule 141, please take notice that on
5 December 20, 2024, Defendant NCAA will lodge copies of the
6 following documents with United States District Judge William B.
7 Shubb via the Box application and on all Plaintiffs via electronic
8 mail:

- 9 1. Defendant's Opposition to Plaintiffs' Motions for Class
10 Certification (Sealed Version);
- 11 2. Declaration of Mario Morris in Support of Defendant's
12 Opposition to Plaintiffs' Motions for Class Certification
13 (Sealed Version);
- 14 3. Declaration of Megan McCreadie in Support of Defendant's
15 Opposition to Plaintiffs' Motions for Class Certification
16 ("McCreadie Opposition Brief Declaration") (Sealed
17 Version);
- 18 4. Exhibit 1 to McCreadie Opposition Brief Declaration
19 (Expert Report of Jee-Yeon K. Lehmann) (Sealed Version);
- 20 5. Exhibit 2 to McCreadie Opposition Brief Declaration
21 (Excerpts from the Transcript of the December 9, 2024
22 Deposition of Daniel Rascher) (Sealed Version);
- 23 6. Exhibit 6 to McCreadie Opposition Brief Declaration
24 (Excerpts from the Transcript of the December 5, 2024
25 Deposition of Orley Ashenfelter) (Sealed Version);
- 26 7. Exhibit 7 to McCreadie Opposition Brief Declaration
27 (COLON_SCHLS_00016398; Exhibit 74 to the December 5, 2024
28 Deposition of Dr. Orley; Subpoena response containing

1 personnel files produced by Colon Plaintiffs from the
2 third-party production of South Dakota State University)
3 (Sealed Version);
4 8. Exhibit 9 to McCreadie Opposition Brief Declaration
5 (Excerpts from the Transcript of the October 17, 2024
6 Deposition of Peter Robinson) (Sealed Version);
7 9. Exhibit 12 to McCreadie Opposition Brief Declaration
8 (Excerpts from the Transcript of the October 15, 2024
9 Deposition of Shannon Ray) (Sealed Version);
10 10. Exhibit 15 to McCreadie Opposition Brief Declaration
11 (Excerpts from the Transcript of the October 28, 2024
12 Deposition of Katherine Sebbane) (Sealed Version);
13 11. Exhibit 16 to McCreadie Opposition Brief Declaration
14 (*Smart* Plaintiffs' Amended Objections and Answers to the
15 NCAA's Second Set of Interrogatories (dated September 17,
16 2024)) (Sealed Version);
17 12. Exhibit 19 to McCreadie Opposition Brief Declaration
18 (COLON_CONFERENCE_0000208854 Email chain produced by *Colon*
19 Plaintiffs from the third-party production of the Missouri
20 Valley Conference)
21 13. Exhibit 23 to McCreadie Opposition Brief Declaration
22 (COLON_SCHLS_0000013529 Subpoena response with data on
23 coaches produced by *Colon* Plaintiffs from the third-party
24 production of the University of Wyoming) (Sealed Version);
25 14. Exhibit 24 to McCreadie Opposition Brief Declaration
26 (COLON_SCHLS_0000001726 Subpoena response with data on
27 coaches produced by *Colon* Plaintiffs from the third-party
28

1 production of the University of Nevada, Las Vegas) (Sealed
2 Version);
3 15. Exhibit 25 to McCreadie Opposition Brief Declaration
4 COLON_SCHLS_0000001818 (Subpoena response with data on
5 coaches produced by Colon Plaintiffs from the third-party
6 production of Louisiana State University) (Sealed
7 Version);
8 16. Defendant NCAA's Motion To Exclude Expert Testimony Of
9 Dr. Orley Ashenfelter And Dr. Daniel Rascher On Class
10 Certification (Sealed Version);
11 17. Exhibit 2 to Declaration of Megan McCreadie in Support
12 of Defendant NCAA's Motion To Exclude Expert Testimony Of
13 Dr. Orley Ashenfelter And Dr. Daniel Rascher On Class
14 Certification ("McCreadie Daubert Declaration") (Excerpts
15 from the Transcript of the December 5, 2024 Deposition of
16 Orley Ashenfelter) (Sealed Version);
17 18. Exhibit 3 to McCreadie Daubert Declaration (Excerpts
18 from the Transcript of the December 9, 2024 Deposition of
19 Daniel Rascher) (Sealed Version);
20 19. Exhibit 4 to McCreadie Daubert Declaration (Expert
21 Report of Jee-Yeon K. Lehmann) (Sealed Version);
22 20. Exhibit A to the Declaration Clayton Hamilton in Support
23 of Defendant's Opposition to Plaintiffs' Motions for Class
24 Certification ("Hamilton Declaration") ((NCAA_SC_
25 SUBPOENA_0000033 Subpoena response with data on camp
26 compensation produced by Defendant from the third-party
27 production of the University of Arkansas) (Sealed
28 Version);

- 1 21. Exhibit B to Hamilton Declaration
- 2 (COLON_SCHLS_0000000697 Subpoena response with data on
- 3 coaches produced by Colon Plaintiffs from the third-party
- 4 production of the University of Arkansas) (Sealed
- 5 Version);
- 6 22. Exhibit A to the Declaration Ryan Varley in Support of
- 7 Defendant's Opposition to Plaintiffs' Motions for Class
- 8 Certification ("Varley Declaration")
- 9 (COLON_SCHLS_0000004635 Subpoena response with data on
- 10 coaches produced by Colon Plaintiffs from the third-party
- 11 production of the University of Pittsburgh) (Sealed
- 12 Version);
- 13 23. Exhibit B to Varley Declaration (SMART_SCHLS_0000003561
- 14 Subpoena response with data on coaches produced by Smart
- 15 Plaintiffs from the third-party production of the
- 16 University of Pittsburgh) (Sealed Version);
- 17 24. Exhibit C to Varley Declaration (COLON_SCHLS_0000016799
- 18 Subpoena response with data on coaches produced by Colon
- 19 Plaintiffs from the third-party production of the
- 20 University of Pittsburgh) (Sealed Version);
- 21 25. Exhibit A to the Declaration Christina Wombacher in
- 22 Support of Defendant's Opposition to Plaintiffs' Motions
- 23 for Class Certification ("Wombacher Declaration")
- 24 (COLON_SCHLS_0000011616 Subpoena response with data on
- 25 coaches produced by Colon Plaintiffs from the third-party
- 26 production of Arizona State University) (Sealed Version);
- 27 26. Exhibit B to Wombacher Declaration
- 28 (COLON SCHLS 0000011405 Subpoena response with data on

1 coaches produced by *Colon* Plaintiffs from the third-party
2 production of Arizona State University) (Sealed Version);

3 27. Exhibit C to Wombacher Declaration

4 (SMART_SCHLS_0000001876 Subpoena response with data on
5 coaches produced by *Smart* Plaintiffs from the third-party
6 production of Arizona State University) (Sealed Version);

7 28. Defendant NCAA's Request to Seal Documents

8 29. [Proposed] Order re Defendant NCAA's Request to Seal
9 Documents

10

11 This Notice and the Request to Seal relate to four categories
12 of documents or information that Defendant cites or otherwise
13 includes in its Opposition to Plaintiffs' Motions for Class
14 Certification; accompanying declarations or exhibits thereto; the
15 Expert Report of Jee-Yeon K. Lehmann; the NCAA's Motion to Exclude
16 Expert Testimony of Dr. Orley Ashenfelter and Dr. Daniel Rascher
17 on Class Certification ("Defendant's *Daubert* Motion"); and/or
18 accompanying declarations or exhibits thereto:

19 (1) Documents containing confidential member financial
20 information produced by the NCAA that the NCAA has designated
21 as Attorneys' Eyes Only pursuant to the Protective Order.

22 The documents in this category are the documents numbered 1,
23 2, 4, and 19 from the above list of lodged documents. The
24 NCAA requests that this category of documents and information
25 be sealed.

26 (2) Documents produced by third parties that have been
27 designated as Confidential because they contain coach salary
28 information and other personally identifying information.

1 The documents in this category are the documents numbered 1,
2 3, 4, 7, 12-16, and 19-27 from the above list of lodged
3 documents. The NCAA requests that this category of documents
4 and information be sealed.

5 (3) Excerpts of or documents quoting the transcripts of the
6 depositions of Plaintiffs and Plaintiffs' discovery responses
7 that have been designated as Confidential by Plaintiffs. The
8 documents in this category are the documents numbered 1 and
9 8-11 from the above list of lodged documents. The NCAA takes
10 no position on whether these excerpts should be sealed.

11 (4) Excerpts of or documents quoting the transcripts of the
12 depositions of Plaintiffs' experts, Dr. Orley Ashenfelter and
13 Dr. Daniel Rascher. These depositions happened recently, and
14 the NCAA is provisionally lodging the transcripts under seal
15 to give Plaintiffs time to make any confidentiality
16 designations. The documents in this category are the
17 documents numbered 1, 4-6, 16, and 17-19 from the above list
18 of lodged documents. The NCAA takes no position on whether
19 these excerpts should be sealed.

20

21 **II. NOTICE OF LODGING OF DEPOSITION TRANSCRIPTS**

22 Consistent with Local Rule 133(j), Defendant is also lodging
23 complete copies of the following transcripts with the Court via
24 the Box application:

25 • Transcript of the December 5, 2024 Deposition of Orley
26 Ashenfelter
27 • Transcript of the October 25, 2024 Deposition of Rudy
28 Barajas

- Transcript of the August 27, 2024 Deposition of Matt Boyer
- Transcript of the December 16, 2024 Deposition of Jeremiah Carter
- Transcript of the October 2, 2024 Deposition of Jennifer Fraser
- Transcript of the October 8, 2024 Deposition of Michael Hacker
- Transcript of the December 9, 2024 Deposition of Daniel Rascher
- Transcript of the October 15, 2024 Deposition of Shannon Ray
- Transcript of the October 17, 2024 Deposition of Peter Robinson
- Transcript of the October 28, 2024 Deposition of Katherine Sebbane
- Transcript of the September 24, 2024 Deposition of Taylor Smart
- Transcript of the October 23, 2024 Deposition of Khala Taylor
- Transcript of the October 10, 2024 Deposition of Lynda Tealer

DATED: December 20, 2024

Respectfully submitted,

By: /s/ Carolyn Hoecker Luedtke
Carolyn Hoecker Luedtke

*Attorneys for Defendant National
Collegiate Athletic Association*